

REMARKS

The Official Action mailed August 24, 2005, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to December 24, 2005. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on August 28, 2003.

Claims 1-17, 19-23, 25-27 and 29-32 are pending in the present application, of which claims 1, 6, 11, 14, 20 and 26 are independent. Claims 1, 6, 11 and 26 have been amended to better recite the features of the present invention, and claims 14 and 20 have been amended to clarity. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-17, 19-23, 25-27 and 29-32 as anticipated by U.S. Patent Application Publication No. 2005/0110016 to Yamazaki. Regarding independent claims 1, 6, 11 and 26, the Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended. Regarding independent claims 14 and 20, the Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Claims 1, 6, 14 and 20 recite that an insulating film in contact with a second region has a thinner thickness than a gate insulating film in contact with a first region. Claims 1, 6, 11 and 26 have been amended to recite a leveling film, a pixel electrode formed on the leveling film and a column-shape spacer formed over the leveling film. The Applicants respectfully submit that Yamazaki does not teach or suggest the above-referenced features of the claims of the present invention.

The Official Action generally asserts that Yamazaki teaches all of the features of independent claims 1, 6, 11, 14, 20 and 26 (page 2, Paper No. 20050815). The only specific references to Yamazaki in the Official Action are as follows: "what may be considered to be column shaped spacers (3042) as seen in FIG. 37" (reproduced below; see also paragraph [0397]).

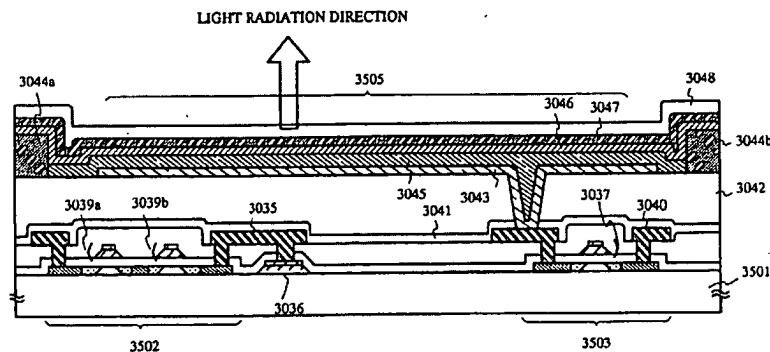
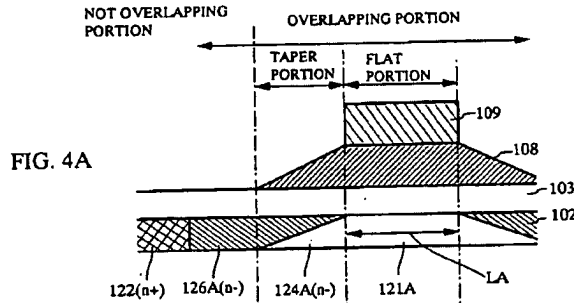


FIG. 37

Also, the Official Action refers to “thin film transistors with LDD regions (FIG. 4A)” (Id.; reproduced below).



Further, the Official Action generally asserts that Yamazaki “uses the same materials as claimed and forms the thin film transistors into driver circuits” (Id.). However, the Official Action has not provided any specific evidence from Yamazaki or from the knowledge that would have been available to one of ordinary skill in the art at the time of the present invention that supports the assertion that all the features of the claims of the present application are taught or suggested by Yamazaki.

Specifically, for example, with respect to claims 1, 6, 14 and 20, the Official Action fails to address the feature “wherein the insulating film in contact with the second region has a thinner thickness than the gate insulating film in contact with the first region.” The Applicants respectfully submit that Yamazaki does not teach or suggest these features.

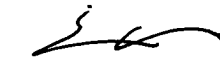
Also, in order to better recite the features of the present invention, claims 1, 6, 11 and 26 have been amended to recite a leveling film, a pixel electrode formed on the leveling film and a column-shape spacer formed over the leveling film, which is supported in the specification, for example, by Figures 35A and 35B. As noted above, the planarizing film 3042 of Yamazaki is relied upon to allegedly teach the column-shape spacer of the claims of the present application. However, Yamazaki does not teach or suggest that column-shape spacer (planarizing film 3042) is formed over a leveling film. Therefore, Yamazaki does not teach or suggest a leveling film, a pixel

electrode formed on the leveling film and a column-shape spacer formed over the leveling film.

Since Yamazaki does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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